



DRAFT
Regional Service Council Minutes
Region # 9

Meeting Date: 8/30/06
Meeting Location: Hendricks County Dept. of Child Services
6781 E US Hwy. 36, Avon, IN 46123

Council Members Present:

Judge Headley, Sally Berish for Judge David, Barb South, Steve Vaughn, Sally Wheat, Tim Miller, Shelly Faudree for Lisa Johnson

Council Members Absent:

Judge Boles and Muriel Bayless

Guests Present:

Kamilla Aeschliman - Boone County DCS, Andrea Goodwin - Hendricks County DCS, Stephanie Bower - Boone County Step Ahead, Rodnee Barbee - Wernle, Terry Randall - Bethany Christian Services, Linda Wrestler - Bethany Christian Services, Pam Turner - Putnam County Youth Development and Community Youth Services Bureau, Michael Scine - Montgomery County Youth Services Bureau and Nikki Pickerel, Region 9 Community Partners for Child Services.

Meeting Minutes

Meeting Called to Order at 9:00 AM

- 1. Presentation of Bethany Services:** Bethany Services presented information regarding their Intensive Family Preservation and Intensive Reunification Service Programs funded through the IV-B Contract with Region 9 Counties.
- 2. Boone County Proposal:** A proposal for funding was submitted to the RSC for the second time by Boone County Step Ahead for \$10,000. The Council members met in closed session to determine whether to fund. It was unanimously decided that the proposal would not be funded as the outcomes were not directly related to the prevention of child abuse or neglect.

SB 139 Policy Discussion: Discussion occurred as a result of concerns regarding the agency's definition of custodian. There was acknowledgement that the definition was expanded to include foster care homes and facilities, etc. However, the concern specifically resulted from the literal application of IC 31-9-2-31(a) which states that a "custodian, for purposes of the juvenile law, means a person with whom a child resides". The concern stems from a policy clarification that is more restrictive than the recent practice of many of the Region 9 counties. Although past practices within the Region varied, investigations had been initiated in situations where physical abuse or neglect was perpetrated by individuals in babysitting and other temporary care giving roles.

The rationale for the DCS change in policy was explained in relation to the importance of the agency's focus on its core responsibilities and the need to provide equity in the delivery of

services across the agency. It was further presented that a child's parent has the primary responsibility of maintaining the safety of his/her child. DCS should only intervene when the parent is unable or unwilling to do such. Consequently, physical abuse or neglect perpetrated by a non-custodial caregiver that is believed to be the result of the neglect of a parent, guardian or custodian would be investigated.

Some of the specific points that were made during the RSC were:

- Although the law does not direct DCS to initiate an investigation against a "caregiver" for physical abuse or neglect, the law does not specifically prohibit it. In fact there were practices in many communities prior to SB 139 that were broader than those expressed in law.
- Judges were not aware of the change in interpretation until after the policy change was implemented. Some judges have instructed DCS to continue to investigate.
- Law enforcement is not always willing or able to perform child abuse/neglect investigations. When they are willing and able they are investigating a situation based upon a criminal standard; not civil.
- If it is expected that law enforcement investigate, the transfer of responsibilities should occur only after LEA has agreed and been prepared to assume responsibility.
- Even though DCS would investigate the neglect of the parents as a result of abuse or neglect committed by a non-custodial caregiver, a case of neglect against the parents might not be successfully made if law enforcement did not investigate or law enforcement investigated the activity of the non-custodial caregiver but established that a crime did not occur.
- Other county Judges and communities believe that it is the responsibility of DCS to investigate physical abuse or neglect perpetrated by non-custodial caregivers. Consequently any failure to do such could result in bad press for DCS.

A discussion about next steps resulted in the decision to include the highlights of the discussion in the Regional Services Council Minutes. It was also decided to support Judge Headley's offer of assessing concern among other Judges and deciding other external avenues to address concerns.

3. Update Regarding Practice Reform: The last Teaming and Engaging Training session will be held in Danville on September 11 through 14. At the conclusion of this training all Region 9 staff will have been trained.

4. Community Partners: Nicole Pikerel was introduced as the new Director for the Community Services for

Next Meeting

Date: 9-27-06

Location: Hendricks County Dept. of Child Services, 6781 E US Hwy. 36, Avon, IN 46123

Time: 9:00 AM

Meeting was concluded at 10:50 AM